

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SETTLEMENT CAPITAL
CORPORATION, INC.,

Plaintiff,

v.

ZULAY PAGAN, et. al.,

Defendants.

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CIVIL ACTION NO. 3:07-CV-1609-O

ORDER

Before the Court are the Findings, Conclusions, and Recommendation of the of the United States Magistrate Judge (Doc. # 170), filed December 3, 2008, recommending that this Court find that Plaintiff SCC's Motion to Dismiss Zulay Pagan's counterclaim (Doc. # 49) has been rendered moot in light of this Court's previous order dismissing the counterclaim without prejudice (Doc. # 166) and accordingly deny Plaintiff's motion as moot. Also before the Court are the Findings, Conclusions, and Recommendation of the of the United States Magistrate Judge (Doc. # 208), filed February 4, 2009, recommending that this Court grant Plaintiff SCC's Rule 12(b)(6) Motion (Doc. # 15) and thereby dismiss Defendant Seneca and Route 28's counterclaims for declaratory relief because they do not assert an independent cause of action separate from those already asserted in this case by Plaintiff SCC.

Having reviewed the Findings Conclusions and Recommendations (Docs. # 170, 208) the Court is of the opinion that they are correct and should be, and hereby are adopted as the Findings and Conclusions of the Court.

It is therefore ORDERED that these Findings, Conclusions, and Recommendations of the United States Magistrate Judge are adopted. Accordingly, Plaintiff SCC's Motion to Dismiss Zulay

Pagan's counterclaim (Doc. # 49) is DENIED as MOOT, the relief requested having been previously granted by the Court. It is FURTHER ORDERED that Plaintiff SCC's Rule 12(b)(6) Motion (Doc. # 15) is DENIED as MOOT insofar as it seeks dismissal of Seneca and Route 28's counterclaim for slander of title, and GRANTED insofar as it seeks dismissal of Seneca and Route 28's counterclaim for declaratory judgment.

SO ORDERED on this 24th day of July, 2009.


Reed O'Connor
UNITED STATES DISTRICT JUDGE